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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,545	03/09/2001	Stanislaus Pietrucha JR.	2008-00100	7312

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EXAMINER
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LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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02/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/803,545	<b>Applicant(s)</b> PIETRUCHA ET AL.	
	<b>Examiner</b> RONALD LANEAU	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 179-226 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 179-210,211-226 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. The amendment filed on 10/26/07 has been entered. Claims 179-210 and 212-220 remain pending in the application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 179-210 and 212-226 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinley (2001/0044743) in view of LetsTalk.com.

As to claim 179, 198 and 221-223, McKinley shows maintaining a database comprising product or service offerings, wherein each of the product or service offerings is classified in said database in one or more geographic markets, and wherein each of said markets associated with the product or service offering may be defined in said database by a product or service provider or other authorized individual (it is noted that it is not claimed that the markets are defined

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independently or that they are defined in the database with different levels of detail – merely that they are defined in such a way; different markets for different products are inherently definable independently and are capable of being specified with different levels of detail, since they can be described in any manner with any level of detail); further discloses receiving a consumer's geographic location (i) in variable geographic detail, and (ii) as specifically as a street address or a subdivision of a street address (the geographic location taught by McKinley would include specific location such as a street address or a subdivision of a street address as claimed); generating a summary of one or more product or service offerings available from one or more providers; receiving a geographic location via the area code and phone exchange; determining product or service offerings maintained in the database that correspond to the market associated with the geographic location provided by the user; generating a summary of product or service offerings available associated with the market that corresponds to the geographic location; and transmitting the summary. McKinley does not show that offerings in a plurality of categories are maintained; presenting the user with a plurality of offering categories; receiving a selection of a category from a plurality of categories; determining offerings available in the at least one selected category; generating and sending to the user a summary of offerings in the at least one selected category. LetsTalk shows maintaining offerings in a plurality of categories (e.g., wireless service plans, pagers, and wireless phones); presenting the user with the offering categories; and receiving a selection of a category; determining the offerings in the categories; generating and transmitting the offerings. It is also noted that cell service plans, pagers and their associated service, are associated with geographic market areas which would include a country, a region, a state, a governmental subdivision, a street address, or a subdivision of a street address,

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a 5-digit zip code, a 9-digit zip code, etc and whether it is a governmental subdivision that comprises a city, a town, township, borough and parish and a street address comprising a street name, post office box, rural route number, floor and unit, etc.

It would have been obvious to one of ordinary skill in the art to modify the method of McKinley as taught by LetsTalk in order to allow the user more choices, and to provide for greater revenue by selling a greater variety of related services and products.

As to claims 180-183, 186-189, 193-197, 199-202, 205-207, 210, 211, 212-220, it is noted that all elements are shown.

As to claims 184, 185, 203 and 204, McKinley in view of LetsTalk shows all elements of the claim except that the user can manage a user service account to perform at least pay for the service. However, the examiner takes official notice that it is notoriously old and well known in the art to allow a user to manage his account enabling him to pay for the service. It would have been obvious to one of ordinary skill in the art to further modify the method of McKinley by allowing a user to manage his account, enabling him to pay for the service in order to increase customer satisfaction through added convenience, and to further facilitate getting paid for the service.

As to claim 190, McKinley in view of LetsTalk shows storing and manipulating information regarding plans, packages, and features, wherein the plans are the base offerings, the package is a collection of features purchasable together, and the feature indicates an augmentation to the base plan that is purchasable individually (e.g., a cell phone plan; a cell phone plan package having the plan and a leather case for a phone; and features comprising accessories which are augmentations to the plans that are purchasable individually.)

As to claims 191 and 208, McKinley in view of LetsTalk shows all elements of the claim except providing an account for providing customization elements. However, the examiner takes official notice that to do so is notoriously old and well known in the art (e.g., as evidenced in Tobin).

It would have been obvious to one of ordinary skill in the art to do so in order to increase traffic to the site via additional portals to the customized site.

As to claims 192 and 209, McKinley in view of LetsTalk shows all elements except providing an account for tracking usage. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of McKinley by providing an account for tracking usage in order to provide feedback to the providers, allowing them to gauge customer desires and craft better service plans.

### ***Response to Arguments***

5. Applicant's arguments filed 10/26/07 have been fully considered but they are not persuasive.

Applicant argues that neither McKinley nor LetsTalk teach or suggest, either individually or in combination, "receiving a geographic location identified as specifically as a street address or subdivision thereof." In response to Applicant's arguments, although neither McKinley nor LetsTalk explicitly disclose such elements but one skilled in the art would have known that McKinley discloses the step of receiving consumer usage profile and lifestyle information that comprises receiving a consumer's geographic location and that would include specific street

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address and a subdivision of street address of the consumer as claimed. Furthermore, Applicant's arguments about the Official notice are moot since Applicant did not challenge the Official notice in previous arguments. The Official notice is therefore considered to be admitted prior art by the Applicant and the Examiner no longer has to provide a reference for such teachings. As a result, Claims 179-210 and 212-226 are finally rejected.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication should be directed to RONALD LANEAU at telephone number (571)272-6784.

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Ronald Laneau  
SPE  
Art Unit 3714

RI

/Ronald Laneau/

Supervisory Patent Examiner, Art Unit 3714

02/17/08